

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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David Johnson,

Civil No. 07-4793 (RHK/JJG)

Petitioner,

**ORDER**

v.

Lynn Dingle,

Respondent.

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The above-entitled matter came before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 12) is **ADOPTED**;
2. Petitioner's Motion to Stay (Doc. No. 4) is **DENIED**;
3. Petitioner's Motion for Appointment of Counsel (Doc. No. 5) is **DENIED AS MOOT**;
- and
4. This case is **DISMISSED WITHOUT PREJUDICE**.

Dated: July 23, 2008

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge